

Part 30

Unfair Market Discrimination

76-10-3001 Fraudulent practices to affect market price.

Every person who willfully makes or publishes any false statement, spreads any false rumor, or employs any other false or fraudulent means or device, with intent to affect the market price of any kind of property, is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 187, 2013 General Session

76-10-3002 Unfair discrimination in competitive practices.

Every person engaged in the production, manufacture, or distribution of any commodity in general use who intentionally for the purpose of destroying the competition of any regular, established dealer in such commodity, or to prevent the competition of any person who in good faith intends and attempts to become a dealer, discriminates between different sections, communities, or cities of this state by selling the commodity at a lower rate in one section, community, or city, or any portion thereof, than the person charges for the commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom, is guilty of unfair discrimination.

Renumbered and Amended by Chapter 187, 2013 General Session

76-10-3003 Corporation guilty of unfair discrimination -- Action by attorney general.

If complaint is made to the attorney general that any corporation is guilty of unfair discrimination as defined by the preceding section, he shall investigate the complaint, and for that purpose, he may subpoena witnesses, administer oaths, take testimony, and require the production of books or other documents, and, if in his opinion sufficient grounds exist therefor, he may prosecute an action in the name of the state in the proper court to annul the charter or revoke the license of the corporation, as the case may be, and to permanently enjoin the corporation from doing business in this state, and, if in the action the court finds that the corporation is guilty of unfair discrimination as defined by the preceding section, the court shall annul the charter or revoke the license of the corporation and may permanently enjoin it from transacting business in this state.

Renumbered and Amended by Chapter 187, 2013 General Session

76-10-3004 Penalty for violation.

Any person, firm, or corporation violating any of the provisions of this part shall be fined not less than \$500 nor more than \$4,000 for each offense.

Renumbered and Amended by Chapter 187, 2013 General Session

76-10-3005 Unfair discrimination by buyer of milk, cream or butterfat -- Classification of offense.

Any person doing business in this state and engaged in the business of buying milk, cream, or butterfat for the purpose of sale or storage, who, for the purpose of creating a monopoly or destroying the business of a competitor, discriminates between different sections, communities, localities, cities, or towns of this state by purchasing the commodity or commodities at a higher

price or rate in one section, community, location, city, or town than is paid for the same commodity by the person in another section, community, locality, city, or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale, or storage, is guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful; and any person, firm, company, association, or corporation, or any officer, agent, receiver, or member of such firm, company, association, or corporation, found guilty of unfair discrimination as herein defined shall be guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 187, 2013 General Session